

**REMARKS**

Favorable consideration and allowance are requested for claims 1-16 in view of the following remarks.

**Status of the Application**

Claims 1-16 are pending in this application. Claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable by Japanese Patent Publication No. 2000-19259 to Kojima (the "Kojima publication") in view of Japanese Patent Publication No. 2001-189926 to Shigeo (the "Shigeo publication"). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kojima publication in view of the Shigeo publication and further in view of U.S. Patent No. 6,163,022 to Yasui *et al.* (the "Yasui patent").

**Rejection under 35 U.S.C. § 103(a)**

According to the Examiner, the Kojima publication in view of the Shigeo publication renders obvious each of claims 1-16. In response, Applicant respectfully submits that the Kojima publication and the Shigeo publication, either alone or in combination, fail to disclose or suggest the subject matter of independent claims 1, 14, and 16. In particular, both references appear to teach away from the use of an invisible light flood light. In Kojima, an infrared light would be unnecessary as a reflection factor in the infrared region is calculated based on a reflection factor in the light region:

Drawing 9 presumes body radiant quantities (objective discernment is possible by being the amount of infrared emission of the proper which a body has, and getting to know the body radiant quantities) based on the reflection factor from the body of a visible ray, and shows the technique of displaying a specific body on HUD 7 from body radiant quantities. That

is, based on the ambient light of the light region measured by the measurement means 41, and the reflected light measured with the visible-ray camera 14, the reflection factor in a light region is computed by the calculation means 42. *Based on the reflection factor in the computed light region, the reflection factor in an infrared region is presumed by the presumed means 43.*

On the other hand, based on the reflection factor presumed to be the ambient light of the infrared region measured by the measurement means 44 by the presumed means 43, the amount of reflection in an infrared region is presumed by presumed means 45. Based on the radiant quantities measured by the infrared camera 13, and the presumed radiant quantities in the presumed means 45, body radiant quantities are presumed by the presumed means 46. . . .

Kojima publication (machine translation) at ¶¶ [0023]-[0024] (emphasis added).

In other words, based on the technique used in the Kojima publication for estimating a reflection factor in an infrared region, one of skill in the art would not have looked to add an invisible light floodlight to the apparatus, as visible light was all that was necessary to determine the infrared reflection factor.

The Shigeo publication, as the Examiner indicated, is directed to creating a compact image-detection apparatus. *See* Shigeo publication (machine translation) at ¶ [0008]. As the figures in the Shigeo publication do not appear to disclose any sort of light apparatus, let alone an invisible floodlight apparatus, one of skill in the art would not have looked to add structure to an invention where the goal of that invention was to “obtain[] the compact image pick-up equipment for a road monitor.” *Id.*

For at least these reasons, the Kojima and Shigeo publications do not render obvious independent claims 1, 14, and 16. As claims 2-13 and 15 depend directly or indirectly from claims 1 and 14, respectively, the Kojima and Shigeo

publications also do not disclose or suggest the subject matter of these dependent claims. Therefore, Applicant requests that the rejection of claims 1-16 be withdrawn.


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If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056208.52762US).

Respectfully submitted,

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